

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 5, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SJ 3, 1/20/2015; SB 231, 1/29/2015; HB 135, 1/30/2015;
HB 139, 1/30/2015;

Executive Action: HB 143-Be Concurred In, HB 139-Be Concurred In,
HB 134-Be Concurred in As Amended, SB 126-Do Pass,
HB 141-Tabled, SB 186-Tabled, HB 74-Partial Action

HEARING ON SJ 3

Opening Statement by Sponsor:

00:00:56 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SJ 3, Interim study of Crossroads Correctional Center and oversight of that facility.

[EXHIBIT\(jus26a01\)](#)

Proponents' Testimony:

00:02:59 Terry Murphy, self, former senator, chairman Senate Judiciary Committee, Cardwell

00:05:40 Mark Baker, attorney, Anderson Baker and Swanson, Helena, Corrections Corporation of America (CCA), Crossroads Correctional Center (CCC), Shelby

00:14:07 Dave Berkebile, warden, Crossroads Correctional Center (CCA), Shelby

[EXHIBIT\(jus26a02\)](#)

00:22:29 Niki Zupanic, American Civil Liberties Union (ACLU)

00:25:24 Sheena Rice, Montana Organizing Project (MOP)

00:26:17 Lita Pepion, self

[EXHIBIT\(jus26a03\)](#)

00:31:21 Michealyn Hawk, Indian Peoples Action (IPA)

00:38:07 Chairman Sales

00:38:15 Ms. Hawk, IPA

[EXHIBIT\(jus26a04\)](#)

00:39:04 Sen. Fielder

00:39:54 Steve Cape, Coalition for Safety and Justice (CSJ)

00:42:40 Matt Kuntz, executive director, NAMI-MT

Opponents' Testimony:

None

Informational Testimony:

00:43:36 Adrienne Slaughter, Department of Corrections (COR), also for Pat Smith, contract bureau chief, Montana State Prison (MSP)

Questions from Committee Members and Responses:

00:44:06 Sen. Sands

00:44:58 Mr. Murphy, self

00:47:26 Sen. Fielder

00:47:51 Mr. Murphy

00:50:52 Mr. Baker, CCA

00:51:27 Sen. Fielder

00:51:40 Mr. Baker

Closing by Sponsor:

00:54:24 Sen. Driscoll (Sen. Driscoll requested that Mr. Berkebill be deemed an opponent of SJ 3)

HEARING ON HB 135

Opening Statement by Sponsor:

00:55:35 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 135, Revise parole criteria laws.

Proponents' Testimony:

00:59:23 Al Smith, self, Great Falls
01:00:58 Dr. Gary Mihleish, self, Re-entry Task Force-Department of Corrections (COR)
Jail Advisory Council-Montana Association of Counties (MACo), Lewis and Clark
County Citizens Advisory Council
01:03:36 Matt Kuntz, executive director, NAMI-MT
01:04:18 Sue Smith, self, Great Falls
01:05:46 Steve Cape, Coalition for Safety and Justice, Great Falls (CSJ)

Opponents' Testimony:

None

Informational Testimony:

01:07:15 Timothy Allred, executive director, Board of Pardons and Parole (BOPP),
Department of Corrections (COR)

Questions from Committee Members and Responses:

01:07:40 Sen. Fielder
01:07:55 Rep. Eck
01:09:53 Sen. Swandal
01:10:17 Rep. Eck
01:12:01 Sen. Moe
01:12:35 Rep. Eck
01:13:41 Sen. Fielder
01:14:45 Mr. Allred, BOPP

Closing by Sponsor:

01:16:53 Rep. Eck

HEARING ON HB 139

Opening Statement by Sponsor:

01:17:51 Rep. Nate McConnell (D), HD 89, opened the hearing on HB 139, Clarify public defender involvement in eligibility determination.

Proponents' Testimony:

01:19:21 Fritz Gillespie, Office of Public Defender (OPD)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:20:36 Sen. Fielder
01:21:11 Mr. Gillespie, OPD

Closing by Sponsor:

01:23:43 Rep. McConnell

HEARING ON SB 231

Opening Statement by Sponsor:

01:24:54 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 231, Revise admissibility in evidence of seat belt use laws.

Proponents' Testimony:

01:28:18 Lee Brunner, Montana Defense Trial Lawyers Association, (MDTLA)
01:29:12 Harold Blattie, executive director, Montana Association of Counties (MACo)
01:30:07 Barry "Spook" Stang, executive vice president, Motor Carriers of Montana (MCM)
01:32:15 Brian Inman, president, Association of Montana Troopers (AMT)
01:33:41 Jessie Luther, Montana Municipal Inter-local Authority (MMIA), Montana Contractors Association (MCA)
01:34:46 Mike Foster, Catholic Hospitals of Montana (CHM)

Opponents' Testimony:

01:35:29 Jamie Carey, Montana Trial Lawyers Association (MTLA)

01:42:43 Al Smith, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(jus26a05\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:54:06 Sen. Moe
 01:54:41 Sen. Swandal
 01:55:47 Sen. Moe
 01:56:25 Mr. Cary, MTLA
 01:57:49 Sen. Kary
 01:58:22 Mr. Cary
 01:59:09 Chairman Sales
 01:59:31 Mr. Stang, MCM
 02:03:13 Chairman Sales
 02:04:16 Sen. Kary
 02:04:22 Sen. Swandal
 02:05:36 Sen. Fielder
 02:06:36 Sen. Swandal
 02:08:19 Sen. Hinkle
 02:08:53 Sen. Swandal
 02:10:23 Sen. Vincent
 02:12:32 Sen. Swandal
 02:14:21 Sen. Larsen
 02:14:40 Sen. Swandal

Closing by Sponsor:

02:15:33 Sen. Swandal
 02:17:13 Recess
 02:27:06 Reconvene

EXECUTIVE ACTION ON HB 74

02:27:48 **Motion/Vote:** Sen. Swandal moved that **HB 74 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Hansen voted by proxy. Sen. Moe will carry the bill.

Discussion:

02:28:47 Sen. Larsen
 02:29:18 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

02:29:57 **Motion/Vote:** Sen. Kary moved to **RECONSIDER THE MOTION** on **HB 74**. Motion carried unanimously by voice vote. Sen. Hansen voted by proxy.

02:30:24 **Motion:** Sen. Vincent moved that **HB 74 BE CONCURRED IN**.

02:30:36 **Motion:** Sen. Sands moved that **HB 74 BE AMENDED**.

Discussion:

02:30:51 Julianne Burkhardt, Legislative Services Division (LSD) Amendment was distributed to the committee members at the time of the hearing (2/4/15) by Jon Bennion, assistant attorney general. Ms. Burkhardt, LSD, will re-draft the amendment and re-distribute to the committee members.

02:31:12 Without objection, Sen. Vincent **WITHDREW THE MOTION FOR HB 74 BE CONCURRED IN, BILL REMAINS IN COMMITTEE**.

EXECUTIVE ACTION ON HB 134

02:31:35 **Motion:** Sen. Swandal moved that **HB 134 BE CONCURRED IN**.

02:32:01 **Motion:** Sen. Swandal moved that **HB 134 BE AMENDED**.

[**EXHIBIT\(jus26a06\)**](#)

Discussion:

02:33:26 Sen. Larsen
02:33:46 Sen. Swandal

02:34:11 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen voted by proxy.

02:34:16 **Motion/Vote:** Sen. Swandal moved that **HB 134 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Hansen voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 141

02:35:04 **Motion:** Sen. Swandal moved that **HB 141 DO NOT PASS**.

02:35:14 **Substitute Motion/Vote:** Sen. Swandal made a substitute motion that **HB 141 BE TABLED**. Substitute Motion carried unanimously by roll call vote. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON HB 143

02:36:16 **Motion/Vote:** Sen. Swandal moved that **HB 143 BE CONCURRED IN**. Motion carried 8-4 by voice vote with Sen. Fielder, Sen. Hansen, Chairman Sales and Sen. Vincent voting no. Sen. Hansen voted by proxy. Sen. Moe will carry the bill.

EXECUTIVE ACTION ON SB 126

02:37:45 **Motion:** Sen. Swandal moved that **SB 126 DO PASS.**

Discussion:

02:38:10 Sen. Fielder

02:38:19 Julianne Burkhardt, Legislative Services Division (LSD)

02:39:30 **Vote:** Motion carried 11-1 by voice vote with Sen. Vincent voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SB 186

02:40:25 **Motion:** Sen. Fielder moved that **SB 186 DO PASS.**

Discussion:

02:40:33 Sen. Moe

02:41:26 Sen. Vincent

02:42:10 **Vote:** Motion failed unanimously by roll call vote. Sen. Hansen voted by proxy. Without objection, Chairman Sales **REVERSED THE VOTE AND TABLED.**

Discussion on SB 209:

02:42:59 Chairman Sales

02:43:37 Sen. Driscoll

02:44:22 Julianne Burkhardt, Legislative Services Division (LSD)

02:44:40 Sen. McNally

02:45:00 Sen. Swandal

02:46:31 Sen. Fielder

EXECUTIVE ACTION ON HB 139

02:47:01 **Motion/Vote:** Sen. Swandal moved that **HB 139 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Hansen voted by proxy. Sen. Sands will carry the bill.

ADJOURNMENT

Adjournment: 11:49 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus26aad.pdf](#))